

राजपत्र, हिमाचल प्रदेश

(असाधारण)

हिमाचल प्रदेश राज्यशासन द्वारा प्रकाशित

शिमला, शनिवार, 6 मार्च, 1993/15 फाल्गुन, 1914

हिमाचल प्रदेश सरकार

याबकारी एवं कराधान विभाग

ग्रधिभूचना

शिमला 171002, 8 फरवरी, 1993

संख्या ई0 एवत0 एन0 एफ0 (II)-1/92.—राष्ट्रपति भारत सरकार, हिनावल प्रदेश जनरल सेल्ज टैंक्स ऐक्ट, 1968 (1968 का 24) की धारा 44 द्वारा प्रदत्त शिक्तयों का प्रयोग करते हुए, सरकार की अधिसूचित संख्या 14-11/69-ई0 एण्ड 0 टी 0 तारीख 23 अक्तूबर, 1970 द्वारा तारीख 11 नवस्बर, 1970 के राजपत्र (असाधारण) हिमाचल प्रदेश में प्रकाशित हिमाचल प्रदेश जनरल सल्ज टैंक्स रूलज, 1970 को और संशोधित करने के लिए निम्नलिखित निथम बनान का प्रस्ताव करते हैं और ये जनसाधारण की जानकारी के लिए ए तत्द्वारा राजपत्र (असाधारण) हिमाचल प्रदेश में प्रकाशित किए जाते हैं और इसक द्वारा सूचना दी जाती है कि इन नियमों को प्रकाशन के तीस दिन के पश्चात् अस्तिम रूप दिया जायेगा।

यदि इन नियमों से संगाव्य प्रभावित कोई व्वक्ति इनके बारे में कोई झाक्षेप करना या सूझाव देना चाहे तो वह ऐसे प्राक्षेप/सूझाव उक्त नियत अविधि क भीतर यावकारी और दराधान प्रायुक्त शिमला-3 को भेज सकेगा। सरकार इन नियमों को अन्तिम रूप देने से पूर्व प्राप्त हुए प्राक्षेप या सूझावों पर विचार करगी।

1. संक्षिप्त नाम.--इन नियमों का संक्षिप्त नाम हिनाचल प्रदेश जनएत सेल्ज टवर (संजीधन) नियम, 1993 है।

- 2. Insertion of Rule 31-A.—After rule 31 of the Himachal Pradesh General Sales Tax Rules, 1970 (hereinafter referred to as the said rules) the following rules 31-A shall be inserted, namely:—
 - "31-A. Deduction of tax from the bills/invoices of work contractors.—(1) For the purpose of section 12-A of the Act, every person in a department of any Government Corporation, a Government Undertaking, a Co-operative Society, a local body, a Trust or a Private or Public Limited Company or any other concern responsible for making any payment or discharge of any liability on account of valuable consideration payble for the transfer of property in goods whether as goods of in some other form, involved in the execution of works contract or for carrying out any works, shall at the time of:—
 - (i) payment thereof in case or by issue of a cheque or bank draft or any other mode, or
 - (ii) credit or such sum to the account of the works contractor; or
 - (iii) discharging liability on account of the said valuable consideration to the works contractor, deduct, an amount equal to two per-centum of such sum towards the tax under section 12-A of the Act.
 - (2) The deduction under sub-rule (1) shall be made from all payments being made in respect of all works contract executed, whether in part or in full.
 - (3) (i) The person making tax deduction of tax under sub-section (1) of section 12-A of the Act and responsible for making payment of such deduction into the Government treasury under sub-section (3) of the said section shall pay into Government Treasury all the amounts deductible by him during a month, on or before the 15th day of the month following the month to which the deduction relates.
 - (ii) The payments under sub-rule (3) shall be made in respect of each works contractor in challan in Form S. T. XI-A obtainable free of charge at the District Excise and Taxation Offices and subordinate offices thereto.
 - (iii) The Challan in Form S. T. XI-A shall be filled in quadruplicate in respect of each works contractor. The copy of the challan marked as "Duplicate" shall be retain by the treasury, the copy marked as "Original" shall be sent by the Treasury Officer to the Assistant Excise and Taxation Commissioner or Excise and Taxation Officer, Incharge of the district and the copies marked as "Triplicate" and "Quadruplicate" shall be returned to the person making payment of the tax deducted.
 - (4) (i) Every person deducting tax in accordance with sub-section (1) of section 12-A at the time of making payment, by any mode, shall issue, to the works contractor from whom such deduction is made, a deduction certificate in Form S. T. XI-B and furnish fully and correctly all particulars as are prescribed therein.
 - (ii) The certificate in From S. T. XI-B shall be in quadruplicate.
 - (iii) The portions of marked "Original" certificate in From S. T. XI-B and "Duplicate" shall be handed-over to the works contractor, from whose bills/invoices payment deduction has been made. The "Original" portion shall be furnished by the works contractor to the appropriate Assessing Authority as an evidence of payment of tax by deduction at source alongwith the return to be filed by him under section 12 of the Act and the "Duplicate" portion shall be retained by the works contractor.
 - (iv) The "Triplicate" portion shall be sent to the appropriate Assessing Authority alongwith the one copy of the Treasury challan in Form S. T. XI-A and the quarterly return prescribed in sub-rule (5).
 - (v) The "Qurdruplicate" portion shall be retained by the person issuing the certificate in form S. T. XI-A.

(5) (1) Every person making deduction under sub-section (1) of section 12-A of the Act and who is responsible for depositing the amount of such deduction in the Government treasury under sub-section (3) of the said section shall also send a return in Form S. T. XI-C to the Assistant Excise and Taxation Commissioner or Excise and Taxation Officer, Incharge of the district quarter within 30 days from the expiry of each quarter in respect of the deductions made by him during the quarter immediately preceding along with the certificate and Treasury challan as required in clause (iv) of sub-rule (4) and clause (ii) of sub-rule (3).

(6) Any deduction made in accordance with the provisions of sub-section (1) of section 12-A of the Act and paid to the Government treasury in accordance with this rule shall be treated as payment of tax or behalf of the works contractor from whom such deduction was made and credit shall be given to him under rule 26 for the amount so

deducted or deposited into the Government treasury;

Provided that for the purpose of rule 26, if the amount of tax payable as per return in Form S. T. VIII or Form S. T. IX, as the case may be, exceeds the amount shown in the Trasury challan in Form S. T. XI-A and in the certificate in Form S. T. XI-B, the works contractor shall make the payment of the balance amount of tax remaining un-paid for the period for which such return filed, failing which such works contractor will not deemed to have made the payment in accordance with the provisions of sub-section (4) of section 12 of the Act.

Substitution of rule 38.—For rule 38 of the said rules, the following shall be substituted, namely:-

"38 (1) After considering any objection made by the dealer and any evidence producted in support thereof, the Assessing Authority after giving the dealer an opportunity of being heard, shall assess the amount of tax and interest, if any, and impose penalty,

if any, to be paid by the dealer.

Fabrication and installation of cranes and joints

3.

(2) In case of a works contract, tax shall be assessed on the "taxable turnover" of the works contractor after deducting all sums towards labour charges, other than any sum on account of labour charges includible in the "turnover" of a dealer under clauses (m) of section 2 of the Act, which are directly co-related with the goods, property in which has passed in the execution of works contract, whether as goods or in some other form:

Provided that where the labour charges, are not determinable from the accounts of the work contractor, or are considered unreasonably high considering the nature of the contract, the deductions towards labour charges shall be allowed by the Assessing Authority according to the limits prescribed in column (3) for the type of contract specified in column 2 of the table given below: —

TABLE Labour SI. No. Type of contract Charges at percentage of the value of the contract 3 1 25 Fabrication and installation of plant and machinery 1. Fabrication and creation of structural works, of iron and steel including 15 fabrication, supply and erection of iron trusses, purlines etc. 15

	1	2			3	-
-	4.	Fabrication and installation of elevators (lifts) and escalators			15	
	5.	Fabrications and installation of rolling shutters and collapsible gates			15	
	6.	Civil works like construction of building, bridges roads, dams barrages/ca and diversions	nal	,	15	
	7.	Installation of door, door frames, windows, frames and grills			20	
	8.	Supply and fixing of titles, slabs, stones and sheets			20	
	9.	Supply and installation of air conditioning equipments including deep frezers, cold storage plants humdications plant and de-humidore			15	
	10.	Supply and installation of air conditioners and air coolers			15	
	11.	Supply and fitting of electrical goods supply and installation of electric equipment including transformers	al 	÷	15	
	12.	Supply and fixing of furnitures and Fixtures, partitions including contr for enterior decoration and false ceiling	acts		20	
	13.	Constructions of Railway coaches and wagons on under carriages supp by railways	lied 	٠	20	
	14.	Construction or mounting of bodies of motor vehicles and construction trailers	of 		20	
	15.	Sanitary fitting for plumbing and drainges or sewerage			25	
	16.	Laying under ground or surface pipe lines, cable or conductors			30	
	17.	Dying and printing of textiles			30	
	18.	Supply and erection of weighing machines and weigh bridges			15	
	19.	Painting, polishing and white washing			30	
	20.	Al other contract nor specified from serial No. 1 to 19 above			258	00

Provided further that Assessing Authority shall not allow any deduction towards labour charges unless the works contractor has specifically preferred the claim therefore and unless such claim is found by the Assessing authority to be proper and justified in each case.

4. Insertion of New Forms S. T. XI-A, XI-B and XI-C.—afster Form S. T. XI annexed to the said rules, the following new forms S. T. XI-A, XI-B and XI-C shall be inserted, namely.—

FORM S. T. XI-A

Original
Duplicate
Triplicate
Quadruplicate

CHALLAN

Original: To be sent by the Treasury Officer to the Assistant Excise and Taxation Commissioner or Excise and Taxation Officer, Incharge of the District.

Duplicate: To be retained in the Treasury

Triplicate: To be returned to the person making payment

Quadruplicate: To be returned to t	he person making payment
Invocie of the Tax paid into.—	Treausry Sub-Treasury Branch State Bank of India, or State Bank of Patiala.
and credited under the Head of Adeneral Sales Tax Act, 1968" (paymending	ecount '0040—Sales Tax Receipts from the Himachal Pradeshment of tax deducted under section 12 of the Act) for the month19
By whom Name and addr tendered number as dealer	ess of works contractor, (including registration Amount er), if any on whose behalf money is paid
	Total
Dated	Signature of dealer or depositor. Treasury Officer Sub-Treasury Officer Agent State Bank of India or State Bank of Patila.
	FORM S. T. XI-B
	machal Pradesh General Sales Tax Rules, 1970]. les tax at source under section 12-A from the payment made
 Name and address of the de whom deduction has be Registration No. of the dea the Himachal Pradesh G Total value of the works co has been presented by t Total amount of the bill in being made. Amount of tax deducted R Name of the treasury in wheen deposited. Treasury Challan No. and 	erson making the deduction ealer (works contractor) from en made. Her (Works contractor) under eneral Sales Tax Act, 1968. entract in respect of which bill he dealer (works contractor). respect of which payment is s (in words Rs. which the amount deducted has date
has been deducted from the bill/inv	Rs

Signatures of the person competent to make the deduction and responsible for depositing the same in the Government treasury.

FORM S. T. XI-C:

[See rule 31-A (5) of the Himachal Pradesh General Sales Tax Rules, 1970]

FORM OF QUARTERLY RETURN TO BE FURNISHED BY THE PERSON DEDUCTING THE AMOUNT OF SALES TAX AT SOURCE

- 1. Name of the Assistant Excise and Taxation Commissioner or the Excise and Taxation Officer Incharge of the district to whom neturn is being sent.
- 2. Name and address of the person responsible for depositing the tax deducted in the Government treasuty.

1	2	Act, 196	8 4 Rs.	5 Rs.	6 Rs.	7 Rs.	8	9
SI. No.	Name address of the contractor from whom de- duction has been made	tration No. of Contractor under the Him chal Pradesh General sales Tax	K	Total amount of the bill/In- voice	Net amount paid	Amount of sales tax deducted at source with date of such deductions	Date and Treasury Challan No. by which amount of deduc- tion paid in Govt. Treasury	Certificate in Form S. T. XI-B. No. and date issued for deduction to the works contractor

I certify that the above statement is correct and complete.

Signature of the person competent to make the deduction of sales Tax at source and depositing the same in the Government Treasury.

> म्रादेश द्वारा, ए०एन० विद्यार्थी, वितासुकत एवं सचिव ।

[Authoritative English text of Government Notification No. EXN-F (11)-1/92 dated 8th February, 1993 as required under Clause (3) of Article 348 of the Constitution of India].

EXCISE AND TAXATION DEPARTMENT

NOTIFICATION

Shimla-2, the 8th February, 1993

No. EXN-F (11)-1/92.—In exercise of the powers conferred under section 40 of the Himachal Pradesh General Sales Tax Act, 1968 (Act No. 24 of 1968), the President of India, proposes to

make the following rules further to amend the Himachal Pradesh General Sales Tax Rules, 1970 published in the Rajpatra, Himachal Pradesh, Extra ordinary, dated the 11th November, 1970 vide Government Notification No. 14-11/69-E&T, dated the 23rd October, 1970 and the same are hereby published in the Rajpatra of Himachal Pradesh (Extra ordinary) for the information of the general public, and a notice is hereby given that the said rules shall be finalised after 30 days of the publication.

Any person likely to be affected by these rules has any objection (s), suggestion (s) to make in respect of the proposed rules, he may send the same to the Excise and Taxation Commissioner, Himachal Pradesh, Shimla-3, within the above stipulated period. The objections or suggestions received, if any, shall be taken into consideration by the Government before finalising these rules namely.—

DRAFT RULES

- 1. Short title.—(1) These rules may be called the Himachal Pradesh General Sales Tax (Amendment) Rules, 1993.
- 2. Insertion of Rule 31-A.—After rule 31 of the Himachal Pradesh General Sales Tax Rules, 1970 (hereinafter referred to as the said rules) the following rule 31-A shall be inserted, namely.—
 - "31-A. Deduction of tax from the bills/invoices of work contractors.—(1) For the purpose of section 12-A of the Act, every person in a department of any Government a Corporation, a Government Undertaking, a Co-operative Society, a local body, a Trust or a Private or Public Limited Company or any other concern responsible for making any payment of discharge of any liability on account of valuable consideration payble for the transfer of property in goods whether as goods of in some other form, involved in the execution of works contract or for carrying out any works, shall at the time of.—
 - (i) payment thereof in case or by issue of a cheque or bank draft or any other mode, or
 - (ii) credit or such sum to the account of the works contractor; or
 - (iii) discharging liability on account of the said valuable consideration to the works contractor, deduct, an amount equal to two per-centum of such sum towards the tax under section 12-A of the Act.
 - (2) The deduction under sub-rule (1) shall be made from all payments being made in respect of all works contract executed, whether in part or in full.
 - (3) (i) The person making tax deduction of tax under sub-section (1) of section 12-A of the Act and responsible for making payment of such deduction into the Government treasury under sub-section (3) of the said section shall pay into Government Treasury all the amounts deductible by him during a month, on or before the 15th day of the month following the month to which the deduction relates.
 - (ii) The payments under sub-rule (3) shall be made in respect of each works contractor in challan in Form S. T. XI-A obtainable free of charge at the District Excise and Taxation Officer and subordinate offices thereto.
 - (iii) The Challan in Form S. T. XI-A shall be filled in quadruplicate in respect of each works contractor. The copy of the challan marked as "Duplicate" shall be retain by the treasury, the copy marked as "Original" shall be sent by the Treasury Officer to the Assistant Excise and Taxation Commissioner or Excise and Taxation Officer,

Incharge of the district and the copies marked as "Triplicate" and "Quadruplicate" shall be returned to the person making payment of the tex deducted.

- (4) (i) Every person deducting tax in accordance with sub-section (1) of section 12 A, at the time of making payment, by any mode, shall issue, to the works contractor from whom such deduction is made, a deduction certificate in From S. T. XI-B and furnish fully and correctly all particulars as are prescribed therein.
- (ii) The certificate in From S. T. XI-B shall be in quadruplicate.
- (iii) The portions of marked "Original" certificate in From S. T. XI-B and "Duplicate" shall be handed-over to the works contractor, from whose bills/invoices payment deduction has been made. The "Original" portion shall be furnished by the works contractor to the appropriate Assessing Authority as an evidence of payment of tax by deduction at source along with the return to be filed by him under section 12 of the Act and the "Duplicate" portion shall be retained by the works contractor.
- (iv) The "Triplicate" portion shall be sent to the appropriate Assessing Authority alongwith the one copy of the Treasury challan in Form S T XI-A and the quarterly return prescribed in sub-rule (5)
- (v) The "Quarduplicate" portion shall be retained by the person issuing the certificate in form S T. XI-A
- (5) (1) Every person making deduction under sub-section (1) of section 12-A of the Act and who is responsible for depositing the amount of such deduction in the Government treasury under sub-section (3) of the said section shall also send a return in Form S. T. XI-C to the Assistant Excise and Taxation Commissioner or Excise and Taxation Officer, Incharge of the district quarter within 30 days from the expiry of each quarter in respect of the deductions made by him during the quarter immediately preceding along with the certificate and Treasury challan as required in clause (iv) of sub-rule (4) and clause (ii) of sub-rule (3).
- (6) Any deduction made in accordance with the provisions of sub-section (1) of section 12-A of the Act and paid in to the Government treasury in accordance with this rule shall be treated as payment of tax on behalf of the works contractor from whom such deduction was made and credit shall be given to him under rule 26 for the amount so deducted or deposited into the Government treasury:

Provided that for the purpose of rule 26, if the amount of tax payable as per return in Form S. T. VIII or Form S. T. IX, as the case may be, exceeds the amount shown in the Treasury challan in Form S. T. XI-A and in the certificate in Form S. T. XI-B, the works contractor shall make the payment of the balance amount of tax remaining un-paid for the period for which such return is filed, failing which such works contractor will not deemed to have made the payment in accordance with the provisions of sub-section (4) of section 12 of the Act.

- 3. Substituted of rule 38.—For rule 38 of the said rules, the following shall be substituted, namely.—
 - "38 (1) After considering any objection made by the dealer and any evidence produced in support thereof, the Assessing Authority after giving the dealer an opportunity of being heard, shall assess the amount of tax and interest, if any, and impose penalty, if any, to be paid by the dealer.
 - (2) In case of a works contract, tax shall be assessed on the "taxable turnover" of the work contractor after deducting all sums towards labour charges, other than any sum on account of labour charges included in the "turnover" of a dealer under clauses (m) of section 2 of the Act, which are directly co-related with the goods, property in which has passed in the execution of works contract, whether as goods or in some other form:

Provided that where the labour charges, are not determinable from the accounts of the work tractors, or are considered un reasonably high considering the nature of the contract, the deductions towards labour charges shall be allowed by the Assessing Authority according to the limits prescribed in column (3) for the type of contract specified in column 2 of the table given below:->1. P

TABLE

Ĭ	SI.	No. Type of contract		Labour Charges at percentage of the value of the con- tract
	1	2		3
-	1.	Fabrication and installation of plant and machinery		25
	2.		ing	
		fabrication, supply and ereaction of iron trusses, purlines etc.		15
	3,			15
	4.	. ,		15
	5.			15
	6.		anal	1.5
	,	and diversions	• •	15 20
٠.	7.	·		20
	8.		•••	- 20
	9,	Supply and installation of air conditioning equipments including deep fre cold storage plants humdications plant and dec-humidore	zers,	15
	10.	Supply and installation of air conditioners and air coolers	• •	15
	11.	Supply and fitting of electrical goods supply and installation of electrical equipment including transformers		15
	12.		racts 	20
	13.	Constructions of Railway coaches and wagons on under carriages sup by railways	plied	. 20
	14.	Construction or mounting of bodies of motor vehicles and constructio trailers	ns of	. 21
	15.	Sanitary fitting or plumbing and drainges or sewerage		2:
	16.			30
	17.			. 3
	18.			1;
	19			. 3
	20.			` 25

Provided further that Assessing Authority shall not allow any deduction towards labour charges unless the works contractor has specificially preferred the claim therefore and unless such claim is found by the Assessing authority to be proper and justified in each case.

4. Insertion of New Forms S. T. XI-A, XI-B and XI-C.—After From S.T. XI Janux edto the said rules, the following new forms S. T. XI-A, XI-B and XI-C shall be inserted, namely.-

FORM S. T. XI-A

Original Duplicate Trip/icate **Guadruplicate**

CHALLAN

Original:	To be sent by the	Treasury	Officer to	the	Assistant	Excise	and	Taxation	Commis-
siot	ner or Excise and	Taxation (Officer, In	char	ge of the	District.			

Duplicate: To be retained in the Treasury.

Triplicate: To be returned to the person making payment

Ouadruplicate:—To be returned to the person making payment

Invocie of the Tax paid into.—

Treausry Sub-Treasury Branch State Bank of India, or State Bank of Patiala.

and credited under the Head of Account "0040 -Sales Tax Receipts from the Himachal Pradesh General Sales Tax Act, 1968" (payment of tax deducted under section 12 of the Act) for the month

tendered

Name and address of works contractor, including registration Amount number as dealer, if any or whose behalf money is paid.

Total..

Amount received

Treasury Accountant Treasurer

Stamp of Treasury

Signature of deuler or depositor.

Treasury Officer

Sub-Treasury Officer

Agent State Bank of India or

State Bank of Patiala.

FROM S. T. IX-B

[See rule 31-A (4) (i) of the Himachal Pradesh General Sales Tax Rules, 1970].

(Certificate of deduction of sales tax at source under section 12-A from the payment made to works contractors).

Serial No.....

- 12.1. Name and address of the person making the deduction
- 12. 22 Name and address of the dealer (works contractor) from whom deduction has been made.

chal

Pradesh

General sales Tax Act, 1968

2

3

4

Rs.

5

Rs.

tion paid in

Govt.

Treasury.

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such

tions

7

Rs.

6

Rs.

deduc-

contractor

9

I certify that the above statement is correct and complete.

Signature of the person competent to make the deduction of sales Tax at source and depositing the same in the Government Treasury.

By order, A. N. VIDYARTHI, Financial Commissioner-cum-Secretary.